

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1 - 9, 11 - 16, 18 - 30, 36 - 46, and 48 - 66 are now in the application. Claims 1, 30, 36, and 39 - 46 have been amended. Claims 10, 17, 31 - 35, and 47 are canceled.

More specifically, all of the claims now contain the "ash value" limitation. That is, the claims directed to the "fillers" (claims 66, 30, 36-47, 49-62, 64) now also contain the limitation that the ash value is limited to not more than 4%. The newly added claim 66 is a verbatim copy of claim 1 and the portion of claim 10 dealing with the fillers.

All of the claims remaining in the application now contain, inter alia, a limitation that the "ash value" of the primary product is limited to not more than 4% (independent claims 1, 14, 66) or not more than 2% (independent claim 18), respectively.

This brings us to the Office action. The Examiner pointed out that the declaration under 37 CFR § 1.131 filed on October 3, 2005 is "ineffective" to remove the reference Mercuri (US 6,517,964) because, allegedly, the appendix 1A was not submitted with the declaration.

According to counsel's records, the appendix was indeed submitted. Enclosed herewith are copies of the pertinent pages from the SIGRAFLEX® brochure. Page 7

of the brochure explains the product designations. The ash content (in %) appears at the fourth position and it is designated with one of the letters Z, E, C, or D.

The Examiner is requested to accept the four-page copy of the SIGRAFLEX® brochure into the record. The information in the brochure, in combination with the Rule 131 declaration and the other appendices, proves beyond a doubt that the inventors were in the possession of the invention, as claimed, at least as early as November 30, 2000.

It is once more submitted that Mercuri is not available as a prior art reference and that the claims, as amended, are patentable over the prior art of record. In view of the foregoing, reconsideration and allowance of claims 1 - 9, 11 - 16, 18 - 30, 36 - 46, and 48 - 66 are solicited.

No monies are believed to be due with this amendment. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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WERNER H. STERNER
REG. NO. 34,956

®SIGRAFLEX

Products manufactured from flexible graphite foil

 **SGL CARBON GROUP**

This information is based on our present state of knowledge and is intended to provide general notes on our products and their uses. It should therefore not be construed as guaranteeing specific properties of the products described or their suitability for a particular application. Any existing industrial property rights must be observed. The quality of our products is guaranteed under our "General Conditions of Sale".

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Example of product designation

SIGRAFLEX**V 200 10 C 2 1****PRODUCT
DESIGNATIONS**

Type	F Foil L Sheet V Reinforced sheet
Thickness in hundredths of a mm	
Bulk density of graphite in tenths of g/cm ³	
Ash content	Z ≤ 0.15 % E ≤ 1.00 % with oxidation inhibitor C ≤ 2.00 % D ≤ 4.00 %
Reinforcements (in V types only)	1 0.2 mm perforated steel sheet, DIN material no. 1.0330 2 0.1 mm perforated stainless steel sheet, DIN material no. 1.4401 3 0.05 mm stainless steel foil, DIN material no. 1.4401 unbonded 4 0.05 mm stainless steel foil, DIN material no. 1.4401 bonded 5 0.075 mm aluminium foil, DIN material no. 1.4401 two outer layers
Upgrading	E Sheet type EMAIL I Impregnation S Self-adhesive finish X Corrosion inhibitor

SIGRAFLEX

Product survey

Table 1

Product	Type	Thickness (mm)	Width (m)	Length (m)	Graphite bulk density (g/cm³)
Roll	F.....Z	0.15 to 1.0	0.5/1.0	50/100	0.7/1.0/1.1
SIGRAFLEX FOIL	F.....ZX	0.50	0.5	50	0.7
	F.....ZS	0.50	0.5	50	1.0
	F.....E	0.35/1.0	0.5	50	0.7/1.0
	F.....C	0.25 to 1.0	0.5/1.0	50/100	0.7/1.0/1.1
	F.....D	0.35 to 1.0	on request		1.0/1.1
	F.....CS	1.0	0.5	25/50	1.0
Sheet	L.....Z	1.0/1.5/2.0	1.0	1.0	1.0
SIGRAFLEX BASIS	L.....C	1.0/1.5/2.0	1.0	1.0	1.0
Homogeneous, free of adhesives and binders					
Impregnated sheet					
SIGRAFLEX STANDARD	L.....CI impregnated	1.0/1.5/2.0	1.0	1.0	1.0
Homogeneous, free of adhesives and binders					
Reinforced sheet					
SIGRAFLEX COMPACT	V.....D5	0.5 to 2.0	1.0	1.0	1.0
Two aluminium foil outer layers, DIN material no. 3.0255, 0.075 mm					
SIGRAFLEX ECONOMY	V.....C4	0.5 to 3.0	1.0	1.0	1.0
Stainless steel foil reinforcement, DIN material no. 1.4401, 0.05 mm, bonded					
SIGRAFLEX AUTOMOTIVE	V.....D1	1.0 to 2.0	1.0	1.0	1.0
Perforated steel sheet reinforcement, DIN material no. 1.0330, 0.2 mm					
SIGRAFLEX NORMAL	V.....C2	1.0/1.5/2.0	1.0	1.0	1.0
Perforated stainless steel sheet reinforcement, DIN material no. 1.4401, 0.1 mm					
SIGRAFLEX UNIVERSAL	V.....C2I impregnated	1.5/2.0/3.0	1.0/1.5	1.0/1.5	1.0
Perforated stainless steel sheet reinforcement, DIN material no. 1.4401, 0.1 mm					
SIGRAFLEX EMAIL	V.....Z3E	2.0/3.0	1.0	1.0	1.1
Two stainless steel foil reinforcements, DIN material no. 1.4401, 0.05 mm, unbonded					
SIGRAFLEX HOCHDRUCK	V.....Z3I impregnated	1.0 to 4.0	1.0/1.5	1.0/1.5	1.1
Multiple stainless steel foil reinforcement, DIN material no. 1.4401, 0.05 mm, unbonded					

Details of other dimensions and reinforcements on request